

Court of Appeals, State of Michigan

ORDER

Karen Vanderpool v Pineview Estates LLC

Docket No. 289359

LC No. 08-089139-AV

Elizabeth L. Gleicher
Presiding Judge

Kathleen Jansen

Henry William Saad
Judges

In lieu of granting the application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Genesee Circuit Court's November 25, 2008 order is REVERSED and the 67th District Court's May 9, 2008 order setting aside a default judgment against the garnishee defendants is REINSTATED in full. The underlying judgment debtor filed his petition for bankruptcy protection August 3, 2007. Filing that petition gave rise to an automatic stay of proceedings which barred continuation of any action or proceeding to enforce the judgment against the judgment debtor or against property of the bankruptcy estate. 11 USC 362(a)(1), (2), (3). That stay barred the garnishee defendants from paying the judgment debtor's money to plaintiff pursuant to a writ of garnishment and barred plaintiff from taking any further acts to obtain the debtor's property from the garnishee defendants.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 15 2009
Date

Sandra Schultz Mengel
Chief Clerk